

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 JOSEPH GOTELL,

12 Plaintiff,

13 vs.

14 KIMMI RIDGEWAY, Deputy Clerk, et al.,

Defendants.

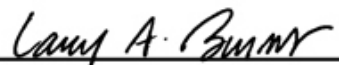
CASE NO. 07cv0084-LAB (JMA)

ORDER DISMISSING CASE

15 By Order entered February 1, 2007, this court granted plaintiff's Motion To Proceed
16 IFP, dismissed the Complaint without prejudice for failure to state a claim upon which relief
17 can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) after *sua sponte* screening, and
18 granted plaintiff leave to file a First Amended Complaint to address all the deficiencies of
19 pleading described in that Order. The court further advised plaintiff that if the First Amended
20 Complaint still failed to state a claim, this case would be dismissed with prejudice, without
21 further leave to amend. See McHenry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996). On
22 February 13, 2007, plaintiff timely filed a First Amended Complaint. However, that pleading
23 fails to cure the defects identified in his original pleading. Accordingly, **IT IS HEREBY**
24 **ORDERED** this action is **DISMISSED** with prejudice as to all claims and all parties for failure
25 to state a claim upon which relief can be granted.

26 **IT IS SO ORDERED.**

27 DATED: February 27, 2007

28 

HONORABLE LARRY ALAN BURNS
United States District Judge